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VIA ECF AND FACSIMILE

The Honorable P. Kevin Castel
United States District Court
Southern District of New York
500 Pearl Street, Courtroom 11D
New York, NY 10007
Facsimile: (212) 805-7949.

**Re: Grant, et al. v. The New York Times Company, et al., No. 16 Civ. 03175
(PKC)(DCF)**

Dear Judge Castel:

The parties in this action respectfully submit this joint letter pursuant to the Court's Order dated December 19, 2017, with respect to the present discovery disputes. The next conference in this matter is currently scheduled for July 6, 2018.

Our joint letter of January 19, 2018, the parties reported on the substantial progress they have made in resolving discovery disputes, and presented a few disputes for the Court's resolution. We also reported that the parties were continuing to negotiate search terms and document custodians for an ESI protocol and that we would report back to the Court on February 2. This letter reports on those continuing discussions.

We are pleased to report that, after substantial discussion, the parties have resolved all of their disagreements concerning the search terms to be used in identifying relevant ESI. The jointly-proposed ESI protocol will be filed shortly.

The Court's December 19, 2017 Order directed the parties to consider any needed modifications in the discovery schedule. Both parties agree that such a modification would be useful to permit sufficient time to review electronic documents and complete depositions. Now that we have agreed on search terms, the parties believe that it is important to run those searches to determine how many documents will have to be reviewed and produced before requesting a modification of the discovery schedule, as the needed extension will depend largely on the volume of documents that require review. Allowing time to install the database of documents with a vendor and run the now agreed-upon searches, the parties respectfully request permission to write jointly to the Court on or before February 23, 2018 to address any proposed revisions to the case management plan.

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We thank Your Honor for the Court's attention to this matter.

Respectfully submitted,

/s/ Mark W. Batten

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